

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. DNCW3:10CR000168-001
)	(Financial Litigation Unit)
DONALD RAY MILLS,)	
)	
and)	
)	
COLLECTIVE MOMENTUM)	
COUNSELING SERVICE,)	
Garnishee.)	

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the Answer of Collective Momentum Counseling Service, as Garnishee. On May 11, 2011, the Honorable Frank D. Whitney sentenced the Defendant to nine months imprisonment for his conviction of Illegal Gambling Business and Tax Evasion in violation of 18 U.S.C. ' 1955 and 26 U.S.C. § 7201. Judgment in the criminal case was filed on May 17, 2011, (Docket No. 18). As part of that Judgment, the Defendant was ordered to pay an assessment of \$200.00 and restitution of \$111,004.91 to the victims of the crimes. Id.

On July 13, 2011, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No.25), to Garnishee, Collective Momentum Counseling Service, ("Garnishee"). The United States is entitled to a wage garnishment of up to 25% of net income and has satisfied the prerequisites set forth in 15 U.S.C. §1673. Defendant was served with the Writ of Garnishment on July 15, 2011, and Garnishee was served on July 15, 2011. Garnishee filed an Answer on August 11, 2011, (Docket No.31), stating that at the time of the service of the Writ, Garnishee had in their custody, control or possession property or funds owned by the Defendant, including non-exempt, disposable earnings.

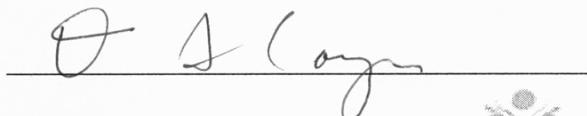
IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$111,004.91 computed through July 13, 2011. Garnishee will pay the United States up to 25% of Defendant's net earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments, and Garnishee will continue said payments until the debt to the Plaintiff is paid in full or until Garnishee no longer has custody, possession or control of any property belonging to Defendant or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW310CR000168-001.

The Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: October 17, 2011



David S. Cayer
United States Magistrate Judge

